The Planning Inspectorate

Costs Decision

Site visit made on 10 July 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 July 2017

Costs application in relation to Appeal Ref: APP/R5510/W/17/3173568
281 Malt House, Field End Road, Eastcote, Ruislip, Hillingdon HA4 9XG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Home Group Limited for a full award of costs against the Council of the London Borough of Hillingdon.
- The appeal was against the refusal of planning permission for the demolition of the existing building and the construction of 30 No residential units (Class C3) comprising 26 flats and 4 houses including car parking, landscaping, access and associated works.

Decision

1. The application for an award of costs is partially allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.

3. The appellant considers that the Council has behaved unreasonably in so far that it did not properly substantiated its reasons for refusal of planning permission and as it failed to reasonably take into account car parking and outside amenity standards as detailed in the London Plan 2016 and the London Plan Housing Supplementary Planning Guidance 2016 (SPG). I deal with each of the reasons for refusal in turn.

Car parking

4. The appellant has completed car parking surveys and has submitted a Transport Statement. Both the London Plan 2016 and the Hillingdon Unitary Development Plan 1998 car parking standards are maximum standards. I note that at consultation stage, Transport for London did request a reduction in overall car parking numbers. Given the PTAL score of 3, I do not consider that the Council has justified why it would be necessary for the appellant to provide more car parking than is proposed.

5. The Council has not fully explained why it thinks that the car parking surveys were not carried out in accordance with an acceptable methodology. Furthermore, in my decision I have concluded that the proposal would not result in unacceptable levels of on-street car parking stress or demand.

6. In respect of this issue, I do not consider that the Council has reasonably substantiated its reason for refusal. Consequently, I conclude that the appellant has wasted time and expense in pursuing this part of the appeal.

Character and appearance

7. I have found that in design terms the proposal would cause significant harm to the character and appearance of the area. I am satisfied that the Council did fully consider the effect of the proposal upon both Field End Road and Sunningdale Avenue and that it did not solely rely on its reference to "metroland character".

8. In respect of this issue, I conclude that the Council has substantiated its reason for refusal.

Amenity space

9. Whilst the Council's refusal notice did not specifically refer to standards in the SPG, this does not mean that the amenity space standards in the Hillingdon Design and Access Statement (HDAS) Supplementary Planning Document Residential Layouts 2006 (SPD) were irrelevant or had no weight.

10. I have concluded that the SPD does have weight in decision making terms and that overall the proposal would deficient in terms of outside amenity space even taking into account amenity space standards in the SPG. In respect of this issue, the Council did provide an assessment of the proposal against both the SPD and SPG at final comments stage. Whilst there is a dispute as to the extent of the deficiency, there is nonetheless common ground that there is at least a deficiency when the proposal is considered against the SPD. Furthermore, the weight to be afforded to the SPD and SPG is a matter for the decision maker: I consider that it was reasonable for the Council to afford more weight to the SPD.

11. Therefore, and for the above reasons, I conclude that the Council did substantiate its reason for refusal in terms of this main issue.

Planning obligation

12. When the Council determined the planning application, a planning obligation had not been completed. Whilst the appellant had indicated a willingness to complete a planning obligation at planning application stage, in the absence of completion of such an agreement at decision making stage, I consider that it was reasonable for the Council to include this matter as a reason for refusal. Whilst a planning obligation has now been completed, following amendments, this does not mean that the Council's reason for refusal was unreasonable.

13. For the above reasons, I conclude that in respect of the planning obligation the Council has substantiated its reason for refusal of planning permission.

Conclusion

14. In respect of the car parking reason for refusal, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. In respect of all other matters, the Council has substantiated its reasons for refusal of planning permission. Therefore, the application for a full award of costs is partially allowed.

Costs Order

15. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the London Borough of Hillingdon shall pay to Home Group Limited, the costs of the appeal proceedings limited to the car parking reason for refusal, such costs to be assessed in the Senior Courts Costs Centre if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.

16. Home Group Limited is now invited to submit to the London Borough of Hillingdon, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Daniel Hartley

INSPECTOR